

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

MINX GOTTI (f/k/a Alexander LeFlore),
DARRICK WALKER, and
JEFFREY KNUTSEN,

Plaintiffs,

v.

Case No. 07-CV-00928

RICK RAEMISCH, et al.,

Defendants.

STIPULATION TO DISMISS WITHOUT PREJUDICE AS MOOT

Pursuant to Fed. R. Civ. P. 41, the parties to the above captioned action, by and through counsel, hereby stipulate to dismissal of the action, without prejudice and without costs, as moot.

The basis for the stipulation of dismissal is as follows:

1. Based upon a review of records and confirmation with Wisconsin Department of Corrections personnel, Plaintiff Minx Gotti, formerly known as Alexander LeFlore, was released from custody in the Wisconsin prison system on or about May 11, 2010.

2. Based upon a review of records and confirmation with Wisconsin Department of Corrections personnel, Plaintiff Darrick Walker was released from custody in the Wisconsin prison system on or about May 5, 2010, and is currently under extended supervision by the DOC's Division of Community Corrections.

3. Based upon a review of records and confirmation with Wisconsin Department of Corrections personnel, Plaintiff Jeffrey Knutsen was released from custody in the Wisconsin

prison system on or about August 13, 2010, and is currently under extended supervision by the DOC's Division of Community Corrections.

4. In this action, Plaintiffs challenge the constitutionality of 2005 Wis. Act 105 (the Act), which prohibits state officials and employees from providing hormone therapy or sex reassignment surgery to treat Gender Identity Disorder only to individuals who are "residents housed in prisons identified in s. 302.01, in a juvenile correctional facility, or in a secured residential care center for children and youth, or to forensic patients in state institutions." Wis. Stat. §§ 302.386(5m) & 302.386(1). The Act does not apply to persons on probation, parole or extended supervision.

5. Plaintiffs requested only injunctive and declaratory relief from the Act in this case.

6. Prisoner claims for injunctive and/or declaratory relief concerning the conditions of their confinement are generally moot after they are released from prison. *See Kerr v. Farrey*, 95 F.3d 472, 475 (7th Cir. 1996).

7. The parties agree that this action may be dismissed as moot, without prejudice to Plaintiffs filing an action challenging the Act should they be incarcerated and subject to the Act again.

Dated this 18th day of August, 2010.

Respectfully submitted,

s/ Laurence J. Dupuis
Laurence J. Dupuis
American Civil Liberties Union of Wisconsin Foundation,
Inc.
State Bar No. 1029261
207 East Buffalo Street, Suite 325
Milwaukee, WI 53202-5712

(414) 272-4032
LDupuis@aclu-wi.org

M. Dru Levasseur
Lambda Legal Defense & Education Fund, Inc.
120 Wall Street, Suite 1500
New York, NY 10005
(212) 809-8585
DLevasseur@lambdalegal.org

John A. Knight
American Civil Liberties Union Foundation
180 N. Michigan Avenue, Suite 2300
Chicago, Illinois 60601
(312) 201-9740

Erik Guenther
State Bar No. 1041774
Hurley Burish & Stanton, SC
10 E Doty St # 320
PO Box 1528
Madison, WI 53701-1528
(608) 257-0945

Attorneys for Plaintiffs

ATTORNEY GENERAL J.B. VAN HOLLEN

s/ Jody J. Schmelzer
Jody J. Schmelzer
Assistant Attorney General
State Bar No. 1027796
Department of Justice
17 West Main Street, PO Box 7857
Madison, WI 53707
(608) 266-3094
SchmelzerJJ@doj.state.wi.us

Francis X. Sullivan
Assistant Attorney General
State Bar No. 1030932
Department of Justice
17 West Main Street, PO Box 7857
Madison, WI 53707
(608) 267-2222

SullivanFX@doj.state.wi.us

Attorneys for Defendants